

REMARKS/ARGUMENTS

Claims 1, 5-9, 11-15, and 19-22 were presented for examination and are pending in this application. In an Official Office Action dated January 12, 2007, claims 1, 5-9, 11-15, and 19-22 were rejected. The Applicant thanks the Examiner for his consideration and addresses the Examiner's comments concerning the claims pending in this application below.

Applicant herein amends claims 1, 9 and 15 and respectfully traverses the Examiner's prior rejections. No claims are presently canceled and no claims are presently added. These changes are believed not to introduce new matter, and their entry is respectfully requested. The claims have been amended to expedite the prosecution and issuance of the application. In making this amendment, Applicant has not and is not narrowing the scope of the protection to which the Applicant considers the claimed invention to be entitled and does not concede, directly or by implication, that the subject matter of such claims was in fact disclosed or taught by the cited prior art. Rather, Applicant reserves the right to pursue such protection at a later point in time and merely seek to pursue protection for the subject matter presented in this submission.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and withdraw them.

35 U.S.C. §103(a) Obviousness Rejection of Claims

Claims 1, 5-9, 11-15, and 19-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jacobson in view of U.S. Patent No. 6,,957,199 by Fisher ("Fisher"). The USPTO communication of January 12, 2007 indicates that the Applicant's arguments in the previous response were not persuasive, yet the Applicant notes the current Office Action cites new grounds for rejection. Unless noted otherwise, the Applicant considers the rejections prior to the

communication of January 12, 2007 withdrawn and responds accordingly. Applicant respectfully traverses these rejections in light of the aforementioned amendments and following remarks and respectfully requests reconsideration.

MPEP §2143 provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Jacobson in view of Fisher fails to disclose each and every limitation of the claimed invention. Specifically, claims 1, 9 and 15 each claim a communication module that uses a two step identity verification process. A first identity is determined via the network level and then a second identity is determined at the application software level. The first identity is obtained by one of two ways. When a message is sent using Secure Socket Layer ("SSL"), the identity of the sender is extracted from the network layer. When, however, SSL is not used, then the communication module looks toward the decryption of a message signature and encrypted data therein to determine the sender identity. Thereafter, the second step of the two step process is the decryption of the data stream itself to obtain a sender identity from the application software level. These two identities are compared to verify the authenticity of the sender.

Jacobson appears to teach the concept of decrypting the encrypted version of a digital signature and key number in the application layer. These two items are compared to the clear text version in the application layer. When the

two match, the operations identified are performed. Lacking from Jacobson, and for that matter Fisher, is the consideration that the transmission may be via a SSL from which the first identity can be extracted at the network level. Thereafter, sender identity is extracted from the software level. This dual process prevents spoofing of the identity of a customer. Reconsideration is requested.

For at least these reasons, claims 1, 9 and 15 are deemed patentable over Jacobson in view of Fisher. Claims 5-8, 11-14 and 19-22 are dependent on either claim 1, 9 or 15 and are for at least the same reasons patentable over Jacobson in view of Fisher. Reconsideration is respectfully requested.

Conclusion

In view of all of the above, the claims are now believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicants' attorney at the telephone number listed below.

No fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

9 Mar. 2007, 2007

Respectfully submitted,



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